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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/866,085

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Tim Madeley

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08/23/2007

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EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/866,085

Applicant(s)

MADELEY ET AL.

Examiner

Siegfried E. Chencinski

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-21 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-21 and 23-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-27 are rejected** under 35 U.S.C. 103(a) as being disclosed by Lewis (US Patent 6,513,019 B2) in view of Wallman (US Patent 6,996,539 B1) and Official Notice.

Re. Claims 1 & 18, Lewis discloses a system and method for automatically determining a margin for a financial transaction in foreign currencies and other financial instruments, maintaining a database of relevant variables including currency equivalence data, cost data, calculation engines for profit margins, transaction history, customer data, etc. Lewis also discloses computer hardware and software arrangements which enable real time, rapid access, changing of business rules, data tables, execution of calculations and reporting at high speeds. Lewis does not explicitly disclose determining a mark-up for a transaction comprising storing in a plurality of mark-up tables a plurality of deal factors that specify a possible deal and a mark-up value associated with the factors; searching the mark-up table for an entry corresponding mark-up tables are stored in a mark-up tier, and are searched in a predetermined order. However, Wallman discloses that "charges levied upon the transaction itself (in terms of a "mark up" or "spread") between the cost at which the security was acquired by the dealer or the exchange specialist from another investor and the cost of the security as it is sold to the investor. This is a cost that frequently is "hidden" from investors: Investors do not always realize that there is, frequently, a spread even when they are being charged a commission. But it can be a significant cost--even exceeding by

multiples the explicit commission charges." (Col. 5, ll. 5-10, 17-19). Wallman thus discloses that mark-ups are a standard practice in the securities trading industry, and that they vary in degree to a considerable degree from transaction to transaction. Lewis discloses the use of business rules which are recorded in database tables which designate the specific information that is to be derived from each type of incoming transaction (Col. 6, ll. 7-12), Lewis also discloses the manipulating of the business rules (Col. 6, ll. 21-22) and the transformation of these business rules from entries in data tables into executable objects that perform such tailored business functions at high speeds. Lewis further discloses the use of a search engine (Col. 7, ll. 23-29). The examiner gives Official Notice that the data tables and tiers in which mark-up information is stored is mere well known use of computer software terminology for programming a computer system to perform data storage and data search. Data tables are a fundamental element in the data processing for storing and retrieving data. The claim element merely recites a well known computer definition of a tier being made up of tables. It would therefore have been obvious to an ordinary practitioner of the art at the time of to have applied the disclosures of Lewis, Wallman and Official Notice to develop a computer automated financial instrument transaction method and system which supports pre calculation of financial deal offer profit margin calculations, motivated by a need for current and projected transaction performance data by functional groups engaged in financial transactions, related databases, widely accessible and sharable, individually useful, and continuously updated on a real-time, or near real-time basis (Lewis, Col. 3, ll. 32-43).

Re. claims 19-21 and 25-27, Lewis does not explicitly disclose:

Re. Claim 19, calculating a quote for a deal based on the determined margin value.

Re. Claim 20, obtaining data specifying a proposed deal from a user, and presenting a calculated quotation for a deal to a user.

Re. Claim 21, operating a transaction system for automatically determining a margin for a transaction comprising: at least one margin table in which is stored a plurality of deal factors that specify a possible deal and a margin value

associated with the factors; a search engine for searching the table for an entry to correspond to a proposed transaction and to calculate a margin value therefrom, wherein the margin table is included in a margin tier, the tier being adapted to contain a plurality of margin tables which can be searched by the search engine in a predetermined order.

Re. Claims 25, operative to determine a rate for a foreign exchange transaction.

Re. Claims 26, a transaction which is a cross deal, and a cross component of the transaction is determined by a step that includes comparison of priority values associated with a plurality of rate values, and selecting the rate value that has the higher or highest priority.

Re. Claims 27, operative to determine a rate for a money market transaction.

However, **re. claims 19-21 and claims 25-27**, Lewis discloses a full variety of databases and rapid real time to near real time transaction support software facilities for financial instrument transactions of wide scope and variety, including determination modification of use of business rules for trader support, data tables, search engines and related routines, all of which would have made the transaction element limitations of claims 19-21 and 25-27 obvious to the ordinary practitioner of the art at the time of Applicant's invention (Col. 5, ll. 13-25, 38-55; Col. 6, ll. 7-28).

Re. Claims 23 & 24, neither Lewis, Wallman, nor Official Notice explicitly disclose:

Re. Claim 23, a margin A to generate a profit F.

is calculated in the following steps, or mathematical equivalents thereof: 1.

$D=(C/B)$ 2. $G=(F/B)$ 3. $E=(D+/-G)$ 4. $A=(C/E)$ where B=Market Rate; C=Fixed Amount of the transaction; D=Market Counter Amount; E=Client Counter Amount; and G=Fixed Profit Counter Amount.

Re. Claim 24, a margin A to generate a profit F

is calculated in the following steps, or mathematical equivalents thereof: 1.

$D=(C*B)$ 2. $G=(F/B)$ 3. $E=(D+/-G)$ 4. $A=(C*E)$ where B=Market Rate; C=Fixed Amount of the transaction; D=Market Counter Amount; E=Client Counter Amount; and G=Fixed Profit Counter Amount.

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However, Re. claims 23 and 24, the ordinary practitioner of the art would have been familiar with the calculation steps of claims 23 and 24 at the time of Applicant's invention, as these steps and their mathematical equivalents represent definitional statements of the transaction values.

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of to have applied the disclosures of Lewis, Wallman and Official Notice to develop a computer automated financial instrument transaction method and system which supports pre calculation of financial deal offer profit margin calculations to support deal making guided by internal margin guidelines, motivated by a need for current and projected transaction performance data by functional groups engaged in financial transactions, related databases, widely accessible and sharable, individually useful, and continuously updated on a real-time, or near real-time basis (Lewis, Col. 3, ll. 32-43).

Re. Claim 18, Lewis discloses a system for automatically determining a margin for a financial transaction in foreign currencies and other financial instruments, maintaining a database of relevant variables including currency equivalence data, cost data, calculation engines for profit margins, transaction history, customer data, etc. Lewis also discloses computer hardware and software arrangements which enable real time, rapid access, changing of business rules, data tables, execution of calculations and reporting at high speeds. Lewis does not explicitly disclose a transaction system for automatically determining a margin for a transaction comprising: at least one margin table in which is stored a plurality of deal factors that specify a possible deal and a margin value associated with the factors; a search engine for searching the table for an entry to correspond to a proposed transaction and to calculate a margin value therefrom, wherein the margin table is included in a margin tier, the tier being adapted to contain a plurality of margin tables which can be searched by the search engine in a predetermined order. It would have been obvious to an ordinary practitioner of the art at the time of to have applied the disclosures of Lewis, Wallman and Official Notice to develop a computer automated financial instrument transaction system which supports pre calculation of financial deal offer profit margin calculations, motivated by a need for current and projected transaction performance data by functional groups engaged in

financial transactions, related databases, widely accessible and sharable, individually useful, and continuously updated on a real-time, or near real-time basis (Lewis, Col. 3, ll. 32-43).

Re. claims 2-16, Lewis discloses a system for automatically determining a margin for a financial transaction in foreign currencies and other financial instruments, maintaining a database of relevant variables including currency equivalence data, cost data, calculation engines for profit margins, transaction history, customer data, etc. Lewis also discloses computer hardware and software arrangements which enable real time, rapid access, changing of business rules, data tables, execution of calculations and reporting at high speeds. Neither Lewis, Wallman, nor Official Notice explicitly disclose:

Re. claim 2, a transaction system according to claim 1 in which the margin is derived from the first margin table entry in the margin tier that is found by the search engine.

Re. claim 3, a transaction system according to claim 1 in which the margin tables within a tier contains a dissimilar number of deal factors.

Re. claim 4, a transaction system according to claim 3 in which each table within a tier contains a number of deal factors not greater than the number of deal factors contained in any preceding table of the tier.

Re. claim 5, a transaction system according to claim 1 comprising a plurality of margin tiers, each tier containing at least one margin table.

Re. claim 6, a transaction system according to claim 5 in which the search engine searches each tier in turn to attempt to obtain a margin value from each tier.

Re. claim 7, a transaction system according to claim 5 in which the search engine abandons a search in the event that no match for a transaction is found in the first tier.

Re. claim 8, a transaction system according to claim 5 in which a margin value obtained from a tier other than the first tier overrides or adjusts a margin value obtained from a previous tier.

Re. claim 9, a transaction system according to claim 5 in which the search engine operates to ignore any tier, other than the first tier, in the event that no

match for a proposed transaction is found in that tier.

Re. claim 10, a transaction system according to claim 1 in which a margin value in a tier is associated with a priority value that indicates which of a plurality of alternative

Re. claim 11, a transaction system according to claim 10 in which the priority value is used to select between a plurality of alternative margin values to be applied to a cross component of a cross deal.

Re. claim 12, a transaction system according to claim 1 further comprising an administration tool by means of which an administrator can add, amend or delete entries from a margin tier, and add, amend or delete a margin tier.

Re. claim 13, a transaction system according to claim 12 in which the administration tool can add amend or delete deal factors from a margin table.

Re. claim 14, a transaction system according to claim 1 in which the transaction is a foreign exchange or a money market transaction.

Re. claim 15, a transaction system according to claim 1 further comprising a quotation server operative to generate a price from a transaction based on a calculated margin value.

Re. claim 16, a transaction system according to claim 1 further comprising a user interface for presenting calculated transaction data to a user.

However, **re. claims 2-16**, Lewis discloses a full variety of databases and rapid real time to near real time transaction support software facilities for financial instrument transactions of wide scope and variety, including determination modification of use of business rules for trader support, data tables, search engines and related routines, all of which would have made the transaction element limitations of claims 2 - 17 obvious to the ordinary practitioner of the art at the time of Applicant's invention (Col. 5, ll. 13-25, 38-55; Col. 6, ll. 7-28). Therefore, it would have been obvious to an ordinary practitioner of the art at the time of to have applied the disclosures of Lewis, Wallman and Official Notice to develop a computer automated financial instrument transaction method and system which supports pre calculation of financial deal offer profit margin calculations to support deal making guided by internal margin guidelines, motivated by a need for

current and projected transaction performance data by functional groups engaged in financial transactions, related databases, widely accessible and sharable, individually useful, and continuously updated on a real-time, or near real-time basis (Lewis, Col. 3, ll. 32-43).

Response to Arguments

2. Applicant's arguments submitted on May 25, 2007 with respect to claims 1-16, 18-21 and 23-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kafiz Abdi, can be reached on (571) 272-6703.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231


or (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

August 20, 2007



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